

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- January 12, 1966

Appeal No. 8547 The George Washington University, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Arthur B. Hatton dissenting in part, the following Order was entered at the meeting of the Board on April 8, 1966.

EFFECTIVE DATE OF ORDER -- June 8, 1966

ORDERED:

That the appeal to erect an eight story office building as part of the University and in accordance with its Master Plan; variance from Section 4201.22 to construct a penthouse above height limit at 21st and Pennsylvania Avenue, NW., lots 800 through 807, 835, 836, 840, 852, 25, and 26, square 75, be granted in part.

From the record and the evidence adduced at the public hearing, the Board finds the following facts:

(1) The 1985 campus plan submitted by the George Washington University includes the land on the south side of Pennsylvania Avenue zoned C-3-B including the specific property involved in this appeal.

(2) Appellant proposes to erect an eight story office building with three levels of underground parking and a penthouse to house mechanical equipment.

(3) The proposed building will be leased to the National Academy of Sciences for a 20 year period. The Academy will house its research and technical activities in this building. The first floor will be used for business rental, primarily activities to service the needs of the Academy and students and faculty.

(4) Inasmuch as the proposed building will be located in a commercial district, the National Capital Planning Commission takes the position that it is without jurisdiction in the matter and makes no recommendation to the Board. (See Exhibit No. 6).

(5) The Department of Highways and Traffic offers no objection to the granting of this appeal. "But it should be understood that this does not at this time include either approval or rejection of the master plan as submitted."

(6) There was no opposition to the granting of this appeal registered at the public hearing.

OPINION:

The Board concludes that the roof structures on this proposed office building will harmonize with the main structure in architectural character, material, and color.

It is the opinion of the Board of Zoning Adjustment that this Board has jurisdiction under the Zoning Regulations to approve the campus plan submitted by the University and the development within the boundaries of that plan.

The majority of the Board is of the opinion that the proposed use of the building is not in consonance with the development of the educational institution within the campus boundary and that the building should be removed from the boundary of the campus according to the submitted plan.

Mr. Scrivener concurs in the result and would like to make the following observations:

Section 3101.46 provides that each university shall submit to the Board a plan for developing its campus as a whole. The preamble to the Section seems to contemplate that the following uses will be on the campus:

--an academic institution of higher learning, including college or university hospital, dormitory, fraternity or sorority house --".

I do not believe that the Regulations provide or imply that after having submitted its campus plan a university should develop its land in accordance with existing zoning, essentially disregarding the master plan. It is this that I object to in the present case, as it seems to me that the establishment of an office building, with commercial shops on the first floor, is incompatible with the "plan for developing the campus as a whole," which George Washington University has submitted.

There could be no objection in my opinion to a revision of the campus plan by eliminating this building from it, as the building lies on the outer periphery of the campus area.

By Mr. Hatton: It is my opinion that all the university development should be within the campus boundary as shown on the 1985 campus plan and it is both proper and desirable for the university to plan in this comprehensive way. However, subsection 3101.46 gives the Board jurisdiction only over that portion of the campus which is in a residential district. The subject property is located in a C-3-B District where a university is permitted as a matter of right by reference to:

"4101.33 College, university, as other academic institution of higher learning."

Therefore, although the proposed building is within the planned campus area, it is not in that part of the campus over which the Board has jurisdiction and the construction and use of the building can proceed as a matter of right. I must also disagree with the opinion that the proposed use of this building is incompatible with a modern urban campus.